

CLOSED

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA,	:	
	:	Civ. No. 01-124(DRD)
Respondent,	:	
	:	<u>ORDER</u>
v.	:	
	:	
LEONARD A. PELULLO,	:	
	:	
Petitioner.	:	
_____	:	

Defendant, Leonard A. Pelullo, having filed a petition for relief pursuant to 28 U.S.C. §2255 and having moved to file an amended petition; and the court having considered the arguments and the submissions of the parties; and for the reasons set forth in an opinion of even date;

IT is this 20th day of October 2005;

ORDERED as follows:

1. Defendant's motion to file an amended §2255 petition pursuant to Fed. R. Civ. P. 15(a) is denied;
2. Defendant's petition for relief pursuant to §2255 on the ground that he was sentenced under the incorrect sentencing guideline is denied;
3. Defendant's petition for relief pursuant to §2255 on the ground that the court improperly amended his judgment of conviction is granted, and the court's order dated March 6, 1998 effecting such amendment and awarding forfeiture in the amount of \$3,562,897 will be vacated;

4. In all other respects defendant's petition for relief pursuant to 28 U.S.C. §2255 is denied, and the petition is dismissed without issuance of a certificate of appealability.

/s/ Dickinson R. Debevoise
DICKINSON R. DEBEVOISE
U.S.S.D.J.